IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

W.P.NO.1688 OF 2004

Union of India & Ors. ..Petitioners

Vs.

Nilesh P.Sawant ..Respondent

...

Mr.Y.S.Bhate with Mr.Kiran Khanpile
i/b T.C.Kaushik Advocates for Petitioners
Mr.S.R.Atre Advocate for Respondent

...

CORAM: F.I.REBELLO AND
SMT.V.K.TAHILRAMANI,JJ.
DATE : JUNE 6, 2006

P.C.

1. Rule. Rule made forthwith.

2. The Respondent was the original applicant in his Original Application No.862 of 2002. At that time, the Respondent was holding the post of senior draftsman which was carrying the pay-scale of Rs. 4500-7000. It appears that subsequent to the revision of pay-scale by Vth Pay Commission, a revised pay-scale of Rs.5000-8000 had not been granted to him. In the Original Application, various reliefs were sought for but ultimately the relief was restricted to the pay-scale of Rs.

5000-8000 in the post of senior draftsman/draftsman Grade-II. The learned Tribunal after considering the various contentions found that the applicant before it and the Respondent herein possessed the necessary qualifications, as such was entitled to pay scale of Rs.5000-8000 as found in this case in para 15.37 of the Vth Pay Commission Report. The learned Tribunal also found that applicant before it was the only candidate for a single post of senior draftsman and that the entire job of the department was entrusted to the applicant and therefore, the requirement of the department was taken care of by the applicant. In these circumstances the Tribunal found that the applicant's pay-scale of Rs.4000-7000 had to be revised and replaced by pay-scale of Rs.5000-8000. It is this order which is the subject matter of this petition.

3. We have heard the learned counsels for the parties. There is no dispute that the Respondent was promoted in the year 1999 as senior draftsman and he was placed in the pay-scale of Rs.4500-7000. Two things emerged from this; firstly, the applicant was entitled for promotion and was thus

promoted; secondly, the pay-scale of the post which was Rs.4500-7000 was given to him. The subsequent event is the revision of the pay-scale by the Vth Pay Commission granting pay-scale Rs.5000-8000. Once the Respondent was promoted in the pay-scale of Rs.4500-7000, the petitioners were duty bound to give the Respondent the revised pay-scale of Rs.5000-8000. In these circumstances, we do not find that the order of the Tribunal suffers from any error apparent on the face of the record. Apart from that the Tribunal also noted that factually the respondent herein was doing the job of senior draftsman so also he was doing the job of entire department. In the facts and circumstances of this case, no interference is called for. Petition is dismissed. Rule discharged. No order as to costs.

[F.I.REBELLO, J.]

[SMT.V.K.TAHILRAMANI,J.]